

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ronald Lesser                      Confirmation No.: 3406  
Serial No.:            09/157,998                      Art Unit: 3626  
Filed:                   September 22, 1998                      Examiner: Morgan, Robert W.  
For:                      A SOFTWARE DEVICE TO FACILITATE CREATION OF MEDICAL  
RECORDS, MEDICAL LETTER, & MEDICAL INFORMATION FOR  
BILLING PURPOSES

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Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 C.F.R. 1.312 AFTER NOTICE OF ALLOWANCE**

Sir:

This communication follows the December 30, 2009 Notice of Allowance and Fees Due. Along with the other materials mentioned below, it is being filed contemporaneously with the Issue Fee for the above-referenced application.

Applicant respectfully submits that, given the long and extensive nature of the prosecution of this application, it is not unexpected that some further amendments of the type discussed herein would be appropriate and necessary. To the extent that the Examiner has questions in that regard, Applicant respectfully invites the Examiner to call Applicant's undersigned attorney to discuss (and hopefully resolve) same.

**Certificate of EFS Transmission**

I hereby certify that this correspondence is being transmitted via EFS to: Mail Stop: RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:  
/J. Mark Holland/                      March 30, 2010  
J. Mark Holland, Reg. No. 32,416                      DATE

Among other things, the amendments herein include an amendment to Claim 10 (Claim 128 prior to renumbering of that Claim) based on a call from the Examiner this afternoon. The Examiner indicated that the dependency of Claim 10 (Claim 128) needed to be corrected, as it was a multiple dependent claim that was improperly depending from another multiple dependent claim.

The Examiner also indicated that it would be appropriate for Applicant to use BOTH the original (prosecution) claim numbering AND the "renumbered" claim numbers that were set forth in the Notice of Allowance. Accordingly, Applicant has attempted below to indicate BOTH of those numbers adjacent each such claim.

In addition to that amendment requested by the Examiner, Applicant has amended and added other claims as described below. None of those amendments and additions add any new matter, and Applicant respectfully submits that they all comply with the requirements of 37 C.F.R. 1.312. Among other things, the new claims are all dependent from claims that have already been allowed, and are intended to simply formalize and affirmatively claim some of the various other combinations of elements not already expressly allowed. In other words, the "new dependent" claims depend from already allowed claims, and simply add other FURTHER elements that themselves have already been allowed in other of the claims.

Thus, as required by 37 C.F.R. 1.312, the new *dependent* claims (A) are needed for proper protection of the invention; (B) require no additional search or examination; and (C) comply with the requirements of 37 C.F.R. 1.111(c) with respect to patentable novelty.

As also discussed below, other amendments have been made to address typographical errors and other inadvertent mistakes. Again, none of those amendments adds any new subject matter, and all such amendments should be readily allowable.

In addition, for the convenience of the Patent Office and Applicant, as well as any third parties who may review this application's file history, Applicant is submitting herewith copies of various U.S. Government publications that have at all times relevant to this application been publicly and readily available via the Internet and/or otherwise. These publications include the Evaluation and Management (E/M) Services Guidelines section of the 1994 CPT (Physician's Current Procedural Terminology) book, and the 1995 and 1997 Documentation Guidelines For Evaluation & Management Services, submitted herewith as Exhibits 1-3.

Upon further reflection, it appears prudent to include a copy of these Guidelines within the file history of this application, to facilitate the availability and minimize the burden on any party interested in obtaining those Guidelines in connection with the present application and/or the resulting patent. Moreover, Applicant respectfully submits that it would be apparent to persons of ordinary skill in the art that the Guidelines submitted herewith are among the examples of Guidelines that may be relevant to the specification, drawings, and prosecution of the present application.

Remarks begin below and amendments begin on page 11.